

**Tom Marcelle  
Attorney-at-Law  
2 E-Comm Square, 3<sup>rd</sup> Floor  
Albany, New York 12207  
(518) 427-1720  
(518) 427-1764 - Fax**

November 6, 2008

FILED and SERVED ELECTRONICALLY

Honorable Gary L. Sharpe  
United States District Court Judge  
United States District Court  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207

**Re: *Price et. al. v. Albany County Board of Elections*; 06-CV-1083**

Dear Judge Sharpe:

The parties are attempting to resolve the attorney's fees issue without formal application to the Court. The time demand of the election has hampered any substantial discussion of the issue. The State Board has allowed me to represent to the Court that both parties would request 30 days from the date a fee application pursuant to §1988 to be file. Again, the time would allow the parties an opportunity to settle the issue without the need for a formal application.

Sincerely,  
/s  
Tom Marcelle  
TM/nep